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09/531,497	03/21/2000	Yusuke Nemoto	6195-0074-2	7101

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EXAMINER

CHAU, MINH H

ART UNIT PAPER NUMBER

2854

23

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/531,497

Applicant(s)

NEMOTO, YUSUKE

Examiner

Minh H Chau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 10, the language “in addition to the press roller, the at least one rotating roller also constitutes a pair of resist rollers” is indefinite because it is unclear to the reader to distinguish or determined how “the at least one rotating roller” is constituting a press roller and also constitutes “a pair of resist rollers”. The Examiner is unable to comprehend how does one rotating roller is constitutes a press roller and a pair of resist rollers.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Ito (JP 10-166705).

**With respect to claim 1**, Ito teaches a stencil printer comprising a printing unit (Fig. 3) for printing an image on a sheet of paper (6), a guide path (Fig. 3) for guiding the sheet of paper

along a path of which the printing unit is disposed, at least one rotating roller (4) disposed adjacent to the guide path and configured to aid in guiding the sheet of paper along the guide path, the at least one rotating roller constituting at least a press roller and a position of the guide path being above the press roller (4) during either double-sided or multi-color printing operation (see Fig. 3 and paragraph 21); and at least one removing roller (32) which is in contact with an outer periphery of the at least one rotating roller (Fig. 3). With respect to the recitation “rotates so as ... dried quickly” (lines 9-11 of claim 1), Ito teaches that the removing member (32) is in contact with the periphery of the rotating member (4) (see Fig. 3 and paragraph 16). In view of this teaching, it is clear to one of ordinary skill in the art that when the removing roller (32) contacts the periphery of the rotating member (4), it will spread and reduce ink transferred to the rotating roller so that the ink on the periphery of the rotating roller can be dried quickly.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3 and 10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito as applied to claim 1 above, and in view of Asano et al. (US #5,636,929).

**With respect to claim 3**, Ito teaches all the limitations as explained above, except for the limitation of “the at least one removing roller ... one rotating roller” (recited in claim 3). Asano

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et al. teach a recording system including a spur cleaner or a removing roller (41) and a rotating roller (40A or 40B), the removing roller rotates in accordance with the rotation of the rotating roller in that the at least one removing roller rotates in a same rotative direction and at a same rotative velocity as the at least one rotating roller (see Figs. 8, 24A and co. 8 of Asano et al.).

In view of this teaching, it would have been obvious to one of ordinary skill in the art to modify the device of Ito to include the removing roller rotates in a same rotative direction and at a same rotative velocity as the rotating roller as taught by Asano et al. for the advantage of allowing the good feeding of the recording paper.

**With respect to claim 10**, Ito teaches all the limitations as explained above, except for the recitation of “the at least one rotating roller also constitutes a pair of resist rollers”. Asano et al. teach a recording system including a rotating roller constitutes a pair of resist rollers (104, 105) (see Fig. 24A of Asano et al.).

In view of this teaching, it would have been obvious to one of ordinary skill in the art to modify the device of Ito to include a pair of resist rollers as taught by Asano et al. for the advantage of assisting in guiding the sheet of paper along the guide path.

**With respect to claim 11**, Ito teaches all the limitations as explained above, except for the recitation of “the resist rollers are rotated not only at the time of conveying a printed sheet”. Asano et al. teach a recording system including a pair of rollers or resist rollers (104, 105) are capable of rotated not only at the time of conveying a printed sheet (Fig. 24A and cols. 18-19).

In view of this teaching, it would have been obvious to one of ordinary skill in the art to modify the device of Ito to include the rollers that are rotated not only at the time of conveying a

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printed sheet as taught by Asano et al. so that the ink on the surface of the rotating rollers or resist rollers can be properly clean before conveying the sheet of paper.

**With respect to claim 12**, Ito teaches all the limitations as explained above, except for the recitation of the “resist rollers are rotated at the time of making by a master making mechanism”. Asano et al. teach a recording system including a pair of rollers or resist rollers (104, 105) is rotated at the time printing (Fig. 24A and cols. 18-19).

In view of this teaching, it would have been obvious to one of ordinary skill in the art to modify the device of Ito to include the rollers that are rotated at the time printing as taught by Asano et al. so that to allow the recording paper being properly feed during the printing operation or during making a master by a master making mechanism.

#### ***Response to the Remarks***

7. Applicant's arguments filed 05/21/03 have been fully considered but they are not persuasive.

With respect to claim 1, Applicant's argument center around the JP '705 (Ito) and Asano et al. ('929) fail to teach or suggest that a position of the guide path is above the press roller during either double-sides or multi-color printing operation. The Examiner respectfully disagree with the Applicant's opinion because the JP '705 (Ito) does teach a guide path is above the press roller during either double-sides or multi-color printing operation (see Fig. 3 and paragraph 21 of Ito) as explained in the rejection above to claim 1.

Applicant's arguments, see pages 6-7, filed 05/21/03, with respect to the rejection(s) of claim(s) 3, 10 and 12 under 35 USC 102(b) have been fully considered and are persuasive.

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Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ito et al. and Asano et al. (US # 5,636,929) under 35 USC 103(a) as explained in the rejection above. Claim 11 is also rejected under new ground of rejection with different interpretation of the previously applied references.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H Chau whose telephone number is (703) 305-0298. The examiner can normally be reached on M - TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MHC  
May 28, 2003

